

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 33

Introduced by Assembly Member Samuelian

December 2, 2002

An act to add Article 8.5 (commencing with Section 228.50) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to streets and highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 33, as amended, Samuelian. ~~Streets and highways—~~ San Joaquin Valley demonstration program: *permit acceleration and environmental streamlining of* highway projects.

Under existing law, the construction of state highway projects is carried out by the Department of Transportation.

This bill would enact provisions establishing a demonstration program for the ~~accelerated~~ *permit acceleration processing or environmental streamlining* of those state highway projects located in the San Joaquin Valley Counties of San Joaquin, Madera, Merced, Fresno, ~~and~~ Kern, *Kings, Stanislaus, and Tulare* that meet specified criteria. Under that process, the Director of Transportation would be required to adopt regulations necessary to implement the provisions regarding the demonstration program.

The bill would establish, until January 1, 2013, a coordinated environmental ~~review~~ *streamlining* process for eligible San Joaquin Valley highway projects. The bill would require the projects to be identified by the department, *working with regional transportation agencies*, in accordance with specified criteria, ~~and would provide for~~

~~the department to be designated as the consolidated permit agency. The bill would require the department to seek and invite participation by federal agencies in preparing environmental documents and in permitting of projects. The bill would provide for require the department to provide staff support for the demonstration projects to the extent funds are identified for this purpose. The bill would provide that~~
authorize each regional transportation planning authority ~~may~~ to monitor and account for any cost savings that may result from the ~~coordinated~~ environmental ~~review~~ *streamlining* and permit *acceleration* process and would require that the funds not used for a specific project be reprogrammed for other projects in that particular county. The bill would enact other related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8.5 (commencing with Section 228.50)
 2 is added to Chapter 1 of Division 1 of the Streets and Highways
 3 Code, to read:

4
 5 Article 8.5. San Joaquin Valley ~~Accelerated~~ *Permit*
 6 *Acceleration* Highway Construction Projects
 7

8 228.50. The department shall implement a demonstration
 9 project which classifies all highway projects *meeting certain*
 10 *criteria* in the counties within the San Joaquin Valley as
 11 ~~accelerated permit acceleration~~ highway construction projects *or*
 12 *environmental streamlining highway construction projects.*

13 228.51. For purposes of this article, “San Joaquin Valley”
 14 means the Counties of San Joaquin, Madera, Merced, Fresno,
 15 Kern, *Kings, Stanislaus*, and Tulare.

16 228.60. For purposes of this article, ~~“acceleration~~ “*permit*
 17 *acceleration* project” means a project located in the San Joaquin
 18 Valley which meets all of the following criteria:

19 (a) The project is a state highway project ~~included in the state~~
 20 ~~transportation improvement program pursuant to Section 14529 of~~
 21 ~~the Government Code.~~

22 (b) A notice of determination has been filed for the project
 23 pursuant to Section 21108 or 21152 of the Public Resources Code.

1 (c) The project is located within an existing right-of-way.

2 (d) The project will not increase existing highway capacity.

3 (e) The project will have no impact on the environment *or no*
4 *significant impact after mitigation*, and no significant impact on
5 issues under the jurisdiction of each affected local, regional, state,
6 and federal agency as determined and certified by each affected
7 agency.

8 (f) The project is for one of the following purposes:

9 (1) Strengthening and rehabilitation of bridge and railroad
10 grade separation structures.

11 (2) High-occupancy vehicle, vehicle passing, two-way turn, or
12 auxiliary lanes.

13 (3) Interchange modification.

14 (4) Traffic channelization and signalization or installation of
15 traffic operation systems.

16 (5) Pavement reconstruction or resurfacing.

17 (6) Safety installation and upgrading of guardrail and median
18 barriers.

19 228.61. The department shall adopt regulations necessary to
20 carry out the provision of the *permit acceleration highway*
21 *projects* demonstration program.

22 228.62. *The department shall seek and invite participation by*
23 *applicable federal agencies during the permit process.*

24 228.63. *The department may be designated as the*
25 *consolidated permit agency pursuant to Part 1 (commencing with*
26 *Section 7100) of Division 34 of the Public Resources Code.*

27 228.70. (a) The department, *working with regional*
28 *transportation agencies*, shall identify San Joaquin Valley
29 highway projects for the coordinated environmental ~~review and~~
30 ~~permit process~~ *streamlining* authorized by this section.
31 Candidates identified for ~~selection~~ *streamlining* shall meet all of
32 the following criteria:

33 (1) The project will increase capacity on highway corridors.

34 (2) The project will improve highway operations and reliability
35 of service by increasing the capacity of the highways.

36 (3) The project will result in an overall benefit to the
37 environment by improving highway service.

38 (4) The project requires environmental review and
39 consultation in order to address potential environmental impacts.

1 ~~(5) The project is programmed in the State Transportation~~
2 ~~Improvement Program.~~

3 ~~(6) The project sponsor consents to the selection and of the~~
4 ~~project being part of environmental streamlining or to contract~~
5 ~~with the department for preparation of the environmental~~
6 ~~document, as required pursuant to Division 13 (commencing with~~
7 ~~Section 21000) of the Public Resources Code, for the project.~~

8 ~~(b) The department may be designated as the consolidated~~
9 ~~permit agency pursuant to Part 1 (commencing with Section~~
10 ~~71000) of Division 34 of the Public Resources Code.~~

11 ~~(c) The department shall seek and invite participation by~~
12 ~~applicable federal agencies when preparing the environmental~~
13 ~~document and during the permit process.~~

14 (d) To the extent that funds are identified for this purpose, staff
15 support for the demonstration projects shall be made available by
16 the department.

17 (e) *On projects where the sponsor prepares the environmental*
18 *document, the department shall designate a single person located*
19 *at the district level to provide environmental oversight to the*
20 *project sponsor for the purposes of completing the environmental*
21 *document within 24 months.*

22 (f) *On projects where the department prepares the*
23 *environmental document, the department shall, in consultation*
24 *with the regional transportation planning agency in the county*
25 *where the project resides, make a determination as to whether the*
26 *environmental document can be completed within 24 months and*
27 *if not, the department shall be required to utilize consultants*
28 *services to complete the document within 24 months.*

29 (g) The department shall report to the Legislature upon the
30 conclusion of the demonstration projects. The report shall include
31 an assessment of the timeliness and the project delivery
32 performance of the projects that were authorized under this
33 section.

34 ~~(f)~~

35 (h) This section shall remain in effect only until January 1,
36 2013, and as of that date is repealed.

37 228.80. Each regional transportation planning authority may
38 monitor and account for any cost savings that result from the
39 ~~coordinated~~ environmental ~~review~~ *streamlining* and permit
40 *acceleration* process established pursuant to Section 228.70.

1 228.90. If a project is completed *utilizing this demonstration*
2 *program* for less than the amount ~~estimated by~~ the department
3 *estimates would have been used had the demonstration program*
4 *not been in effect*, the funds that were not used shall be
5 reprogrammed for projects in that particular county.

6 228.91. *The department shall adopt regulations necessary to*
7 *carry out the provisions of the environmental streamlining*
8 *highway construction projects demonstration program.*

